

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

) Magistrate Case No.
)) **'08 MJ 1501**
))

Plaintiff,

COMPLAINT FOR VIOLATION OF:

V.

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

Jose AGUILAR-Zavala

Defendant.

The undersigned complainant, being duly sworn, states:

On or about, **March 08, 2008**, within the Southern District of California, defendant, **Jose AGUILAR-Zavala**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


D. Weadell
SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent,
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF May 2008.


UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO

**CONTINUATION OF COMPLAINT:****NAME: AGUILAR-Zavala, Jose****PROBABLE CAUSE STATEMENT**

On Saturday, March 08, 2008, the defendant identified as Jose AGUILAR-Zavala was apprehended by the U.S. Border Patrol near Calexico, California and determined to be a citizen of Mexico having no legal right to enter or be in the United States. The U.S. Border Patrol further discovered that an outstanding warrant of arrest had been issued in regards to the defendant by the Ventura County Sheriff's Office in Ventura, California. After having determined the defendant to be a citizen of Mexico, an Agent from the U.S. Border Patrol placed a Form I-247 "Immigration Hold" in regards to the defendant and referred him to the San Diego Sheriff's Office for booking into county jail pending extradition to Ventura, California.

Subsequently, the defendant was referred to the custody of Immigration and Customs Enforcement (ICE) and arrived at the San Diego District Office at approximately 11:05 a.m. on Tuesday, May 13, 2008. A Deportation Officer reviewed various sources of information and conducted official record checks confirming the defendant to be a citizen of Mexico having been previously removed from the United States on at least seven occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about February 06, 2003 and physically removed to Mexico via the Nogales Port of Entry. Record checks further revealed that the defendant was most recently issued a re-instatement of removal on or about March 04, 2008 and removed to Mexico via the Calexico Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Jose AGUILAR-Zavala a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Jose AGUILAR-Zavala has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.